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CONGRESS.

HOUSE OF REPRESENTATIVES.

MONDAY, APRIL 7.

SPANISH AFFAIRS.

Debate on the motion of Mr. J. Randolph to publish the President's message.

MR. DANA said he was happy they were enabled to take a direct vote on the publication of the message. On the vote just taken he had felt himself bound to consult the opinions of gentlemen who had thought when the injunction of secrecy was taken off, it did not apply to the publication of the message. The question now presents itself directly for consideration, whether it would be most expedient to publish it. It appears to me, said Mr. Dana, that there will be no breach of confidence in publishing it. If in private life one man makes a communication to another, and the person who receives it says he will not pledge himself to keep it secret, there is no obligation on him not to divulge it, and should he divulge it there will be no question about the violation of confidence. Under what form then, was the communication of the President made to this House? Is there any thing in the constitution relative to the President's communicating any thing to either House in confidence, and absolutely prohibiting either House from disclosing it? If there is no such thing in the constitution the disclosure must be left to our discretion, of the propriety of which we must be the judges. In the first place, the constitution of the United States provides for such communications to Congress as the President may see fit to make—it also declares that each House shall be governed by such rules as they shall make. Now when this message was received, the rules of the last House were adopted, and are such as are now in force. What is the rule applicable to the present point?

"Whenever confidential communications are received from the President of the U. S. the House shall be cleared of all persons except the members and the Clerk, and so continue during the reading of such communications, and (unless otherwise directed by the House) during all debates and proceedings to be had thereon. And when the Speaker, or any other member, shall inform the House, that he has communications to make, which he conceives ought to be kept secret, the House shall, in like manner, be cleared till the communication be made; the House shall then determine whether the matter communicated requires secrecy or not, and take order accordingly."

The President can make no communications to us except under this rule. It was under this rule that this message was communicated. What is the inference? The rule was peremptory, so far as it required the communication of the President to be read with closed doors; but after having been so received, it is strictly within the power of the House to decide whether it shall continue private, or be published. The President must have communicated the message under this impression. No obligation of confidence can be infringed by publishing it. Believing, therefore, that the publication will be no violation of confidence, and believing that it will be for the public good, I shall vote for it.

MR. SLOAN. I shall as decidedly as the gentleman from Connecticut vote against the publication of the message; and on a principle which it behoves me never to abandon so long as I hold a seat on this floor. If I understand any thing of the matter, it was communicated to the House by the President in confidence that it would not be published; and if I have any idea of propriety, it ought to be still kept secret, as the reasons which first made it so still continue. If we are not constitutionally bound to keep the communications made by the President secret, I do conceive we are under an obligation of respect to the other branches of the government, not to betray the confidence reposed in us; and should this communication be published the other branches of the government ought first to sanction it. Such a course would, in my opinion, have a direct tendency, to destroy our confidence in the President, and our diplomatic characters abroad.

MR. J. RANDOLPH. Before the question is taken I have a few observations to offer in addition to those which I submitted the other day on the subject of the secret proceedings, to shew that the message of the President ought to be published, not only in justification of the report of the select committee which has been published, but in justice to the government itself. An attempt has been made in the public prints, and on this floor, to give a color to the proceedings of the House, when in conclave, totally inconsistent with, and in opposition to truth. It has been intimated that the minority were in favor of war; or by intimating that the majority were in favor of pacific measures, the inference has been drawn that the minority were in favor of war. The fact is this—and as the message of the President has been read as a part of the journal ordered to be published, as the Speaker and clerk have attested, I will undertake to state what it contains unless prevented by the chair.

The Speaker interrupted Mr. R. by observing that such a statement would not be in order.

Mr. Randolph. I will confine myself then to stating that the division of sentiment in the House, was whether we should have a territorial accommodation of our differences with Spain, whether we should have an accommodation which did not merely suit Spain & us, or a monied accommodation which neither suited us or Spain, but France. A recurrence to the journals will shew this to have been the principal difference that subsisted within the walls of this House. There was no party of men in this House, or elsewhere, in favor of war—for I beg leave to call gentlemen on the committee to witness that the opinion of the majority of the select committee was that we should neither give money or make war; but that we should defend the limits of the old United States and the territories acquired from Spain. What were the facts? Our army was dispersed in cantonments, God knows where. The country to be protected was far removed from any considerable surrounding population—a country which, from the circumstances in which it is placed, must be kept and held by military force. When the militia of the United States from the most contiguous states to New Orleans were deputed to take possession of the country, events proved that it could not be defended by militia, unless indeed by the militia of the Chickasaws, the Creeks and Choctaws. It is not only cut off from the populous parts of the U. S but it is protruded into the gulph of Mexico, and also surrounded by extensive marshes which do not admit of its being defended in the same manner as the other parts of the U. S. So much with regard to a standing army. The committee applied to the head of the proper department to know what force would be required to defend the frontiers. Our report has been published. Why have not the letter addressed to the secretary of war and his report been likewise published? If the executive of the United States will take upon itself the responsibility of defending the country with a single grenadier, be it so. But it was said there was not sufficient force to defend the country; and are we not now attempting by a landed bounty to generate this force? These circumstances prove our views in committee, and I do not hesitate to say that all the force we have should have been placed in the vicinity of New Orleans—that was the weak point which ought to have been guarded.

There is another view of the subject. Against Spain, with whom we had tried the fair experiment of negociation, and which had totally failed, we took no manly attitude; while we reserved all our energy for G. Britain, and determined to coerce her by prohibiting the importation of her millinery. Yes, against Spain, when our negociations had totally failed, and under circumstances of disgrace to the U. S. we took no manly ground, but begged her to take money; while with G. B. with whom negociation had not failed, while a negociation was depending we declared ourselves in favor of taking a decisive and hostile attitude. Here is the real difference of opinion. In the one case we had a pending negociation. In the other it had been been tried and failed. But that is not all. Because we bought Louisiana from France, it was contended that we should be following the old precedent by buying the Floridas of Spain. But in answer it was observed that in the first case we made an offer to purchase as a prelude to negociation; and it was declared that the misconduct of the Spanish agents was unauthorised. But here the case was completely reversed. There was no doubt of the misconduct of the Spanish agents being authorised, and negociation had been tried and had failed. There was another difference. In one case we made a fair and honorable purchase from France who owned the property; but in this case, we observed that we were about to make a dishonorable purchase of a highwayman of property taken from its rightful owner, or to obtain his services to bully it from its rightful owner; and it was known, the declaration had been repeatedly made, that a high officer of the government of the U. S. the head of the department of state, avowed that the money was for France. Where has the Hornet sailed? To Corunna or to Cadiz? No, to Nantz, the high road to Paris. It was not because there was a party in the House indisposed to the honest acquisition of the Floridas, but because there was a party indisposed to acquire them at the expense of the national treasure and honor, that opposition originated to the measures you have taken. No, sir, we were not for war, we were for peace—for acting on true policy, on the principle of taking firmer ground than has been taken—that ground which we thought was called for; and not for endeavoring to curry favor with one of the European powers by throwing our weight in her scale, and thus producing a cause of quarrel with another nation during a pending negociation. This is the fact. We told gentlemen, that, after France had said, if you give Spain one blow I will give you ten or two, I do not recollect which,—after she had told you that your claims against Spain must be abandoned,—after she had in the most insulting and degrading manner interfered in your differences with Spain,—that, under these circumstances to put money into the hands of France was not only a violation of your neutrality with G. Britain; but that the ground subsequently taken towards G. Britain was a most dastardly accommodation to the wishes of France, in order, by putting on a hostile attitude to Britain to curry favor with the Emperor of France; and which was not demanded by the situation of our affairs with G. Britain.

What is our true policy? To take part with neither of those nations—to let neither of them finger one dollar of our money—to resist the unjust pretensions of all. This policy we have abandoned, and what is the consequence? The national honor has received a stain which all the waters of the Potomac cannot wash out. It is on the page of history, and cannot now be taken off. The nation is stigmatised—It has received a blot, which all your Indian rubber cannot efface.

But it has been represented that I took part with the Spanish against the American government in relation to the disputed territory between the Perdido and the Mississippi. I took part so far as this. I did not wish to see the American honor sacrificed in a contest with Spain. I took part so far, as to be called a Spanish partizan by some gentlemen, while others charged me with being willing to kindle a war with Spain. I stated that we had never received copies of the instructions of the minister delegated to negociate with the Spanish government; and that if we should call for the documents we should find that the business from the first to the last had been managed in the most embecile manner—I do not speak of the negociator—God forbid—but of those who drew the instructions of the man who negociated. We bought Louisiana from France under the terms of the treaty of St. Ildefonso. According to the Executive understanding that country extended to the Perdido and the Reo Bravo. We immediately legislated on our first claim and passed a law erecting the bay and shores of the Mobille into a revenue district. What was the fact? That we were legislating without information. We had never been told that Laussat had been directed to receive the country only to the Iberville and the Lakes. We consequently legislated in error for want of correct Executive information. This was the beginning. We then sent commissioners to Madrid. These commissioners had various causes of complaint against Spain. One was for the injury we had sustained from the suspension of the right of deposit at New-Orleans, which has not to this day been satisfied; another was for spoliations committed on our commerce in the West Indies; another for spoliations committed by France; and another relative to boundaries. We claimed to the Reo Bravo; but our commissioners declared themselves ready to agree, in case Spain ceded the disputed country to the East, that the Colerado should be the boundary line; and to make even this offer our agents were obliged to exceed their instructions. This information is not drawn from documents before the House—it is not confidential—If gentlemen doubt its correctness, let them call for official documents. We wanted the territory on the East of the Mississippi, and offered to pay for it with territory West of the Mississippi. But Spain replies, that territory belongs to me, and as I am able and willing to defend both, I will not give up one to pay for the other. And so far from making the Colerado river a boundary being a great concession, the present actual boundary is, I know not how many hundred miles, this side of it. Could such a negociation, thus conducted, fail to fail? The great wonder with me is that the ministers of the U. S. made out to continue their exertions so long as they did in pressing such a proposition. At last some of the X, Y, and Z men go to our ministers, and say, put on a hostile attitude towards Spain, and when things are coming to a rupture, refer Spain to our mediation, give us a round sum, and we will dictate the terms on which an accommodation shall take place. When the fact came out, a general astonishment prevailed, and my worthy friend from Maryland, who no longer holds a seat in this House, told you that he hoped in God the negociation would fail. I have said so much, that at least that portion of the public in our hearing may be undecieved, in respect to the proceedings of the House, when in conclave, and may give due information to their constituents when they go home—for situated as we are in this remote corner of the union, in a wilderness and desert, with but a single press, it is impossible that any thing like a correct transcript of our proceedings can go to the public. I make this statement, that it may be known that we felt no indisposition to respect the national honor either as to Britain or Spain; but that we were for no half way measures with either nation. We were willing to try negociation with Britain, and when that had failed, we were willing to go to the requisite length.

I hope for the honor of the Executive government of the U. S. the message of the President will be published. With regard to any effect it may have on the negociations at Paris, it is the idlest thing in the world to talk of any effect being produced there by any thing but money. They will look at your cash—If it is enough you will have your business done; if not, it will not be done. On this point I will add a single word. I am prepared to hear it said, that if this negociation fails, it will be in consequence of the secret journal being published. But it requires no wizard to foretell that it will fail. It must. The battle of Austerlitz has settled that question. It cannot succeed. It is impossible—And were it possible, the success of the negociation would depend on nothing done in this House, save the sum of money given to France to compel Spain to do so and so. What will be the consequence of your measures? If there shall be a peace in Europe, you may expect a strong Spanish squadron, aided perhaps by a French force, in the bay of Pensacola; and you may be glad to get off with a loss of two millions. you may be glad to get off with a loss of twenty millions—France sold Louisiana to the United States for so many millions, 3,750,000 dollars of which were to be paid to our citizens. We have been gulled out of that. But the last thing that has entered into the mind of France is to settle any thing definite with fixed metes and boundaries. Her object is to deal with you for money. She means to sell by the degree, and every time you apply to her for a settlement of boundaries, she will call upon you for more money. We were indisposed to give into these terms.

MR. FINDLEY, said that the question before the House was only a motion for amending the secret journal from which the injunction of secrecy was taken off, by inserting the President's confidential communication; yet by attending to the argument of the gentleman from Virginia (Mr. Randolph,) it would appear that he was engaged in supporting articles of impeachment against the high officers of the government, and not against them only, but also against a respectable majority of this house, as if he had been vested with authority to censure and denounce their legislative measures on their own floor, when the subjects were no longer before the House. But, Mr. Speaker, no motion has been laid on your table for impeaching the conduct of these high executive officers, nor can any motion be admitted to enable a member of the minority to impeach the majority. It is contrary to good order, it is an outrage on decency to defame the character, or impeach the conduct in this way, of public officers or citizens on this floor where they cannot answer for themselves. It has never been admitted in other public bodies in the U. S. nor in Congress, till it was introduced by the member from Virginia; and fortunately it is peculiar to him alone to entertain the House with tales brought from out of doors, or from the whispers behind our bar, and with unsupported slanders on the administration and officers of the government.

This is not the first time he (Mr. R.) has attacked the respectable character of the secretary of state in this rude manner on this floor. This manner of doing it is entirely improper. If Mr. R. had a charge against him, he ought to have moved for an enquiry into the conduct of that high officer, as had been done not long since with another respectable head of a department; but this would not have answered the gentleman's purposes of slander. The secretary of state would have had the opportunity of defending his own character.

But, Mr. Speaker, what is the charge for which the secretary is so vehemently denounced? It is some sentences of a confidential conversation told in Mr. R's. own manner. It is true, indeed, that that gentleman is in the habit of entertaining the House with scraps of confidential conversations, but surely he knows that the House cannot take his statements for vouchers. He knows, and this House knows, that he has already had to correct on this floor a statement which he had rudely made of part of a confidential conversation he had had with the secretary of the treasury, but even the correction is justly presumed to have been defective; it was not the whole truth. The House does not receive the assertion of any member instead of vouchers, not even on a motion for impeachment or a complaint of contempt. In such cases testimony is required. When the gentleman's habits in this House are considered, and the evident resentment which he declares to be irreconcilable, and which he expresses in a manner not to be mistaken, against the secretary of state, we are justified not only in receiving his assertions with some abatement of confidence, but with suspicion.

Mr. F. said, the gentleman from Virginia has this day as on former days, said a great deal about *France, that we were about to give money to France, to give a bribe to France, &c.* Does the gentleman dream about France at nights, and retail his dreams in this House in days, or is his imagination always in a dreaming state. If we are to judge from the desultoriness of his arguments perpetually wandering from the subject before the House, dragging in subjects that have no bearing on the question, flying from one subject to another, without coherence, we might justly presume that the last and many other of his arguments were the dreaming effusions of a vivid imagination highly disordered.

Mr. F taking the secret journals now made public, in his hand, read the resolution agreed to with shut doors, declaring that the appropriation was made towards defraying the expence which may be incurred in the purchase of the Spanish territories lying on the Atlantic ocean and Gulf of Mexico, and eastward of the Mississippi. This resolution, he said, was the foundation of the bill now enacted into a law, with such a change of language as has been usually made hitherto in such cases respecting our foreign relations. Mr. F. turned to another resolution, moved and supported and voted for by the gentleman from Virginia himself, authorising the President to make a settlement of existing differences between the U. S. and *the court of Madrid*, by making an arrangement between *the two governments* which shall secure an ample barrier to Spain on the side of Mexico, and to the United States, the countries watered by the Mississippi, and to the eastward of it. Both these resolutions were carried to the President agreeably to the order of the House, by the gentleman from Virginia himself and another member.

Mr. F. said he voted against the second resolution, because the subject belonged to the treaty making power over which this house had no control, except where grants of money were required; but it was carried, and it was Mr. R. who prepared, moved, supported, and presented to the President both resolutions. The same gentleman who has so frequently on this floor in his reveries about France, asserted *that there was no Spain, no Pyrenees, that Spain was in France, &c.* and on this wild assertion he grounds his still more wild assertions, that we are giving money for a bribe to France. Does he never reflect in his dreams, that he has given from under his own hand, confirmed by his official vote in the House, that there is *a Spain with whom the U. S. should make an exchange of territory, and to whom we ought to grant an ample barrier on the side of Mexico. That there is a court of Madrid with whom it is competent for the U. S. to make arrangements.* There is not a word about France in either of the resolutions, nor in the law, nor in any part of the proceedings.—This is evident to every citizen who reads the journals of the secret proceedings. Mr. F. asked how will the gentleman reconcile his frequent and bold assertions, that there was *no Spain, no Spanish territory, &c.* with his deliberate and solemn official act directly in opposition to his assertions? How at this time with these journals before him, could he have the effrontery to declare that the United States were irrecoverably dishonored by these transactions?

But he says, in proof of this assertion, that the ship, with the instructions, &c. is gone to Nantz, in France, instead of Corunna in Spain. What sort of proof is this? Why did he not tell the whole truth? Why did he not tell the House that the ship carried the appointment of envoy extraordinary, and instructions to our minister at the court of France, to go to the court of Spain to assist our ministers at Madrid, in negociating at that court, agreeably to the gentleman's own resolution, and the law passed for that purpose by Congress? No. So much candor would not have answered the gentleman's purposes.

But a few days since that gentleman informed the House that the ship had sailed, and taken the money with her before the appropriation was made, &c. Presently it got into the news-papers, that a great many tons of specie, he believed, above sixty, were carried away in that ship. Every member who understood the subject knew that the assertion was wholly unfounded. They knew that money was never sent in this way for such purposes. They knew that that object was always accomplished by providing a credit for bills to be drawn when the negociation was completed. That this was the case at present, any member may be informed by enquiring at the proper source, but he would take no notice of several other such misrepresentations calculated to impose on the House, and to occasion falsehoods to be published in the news-papers.

Mr. F. said, that he was opposed to